

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DR. STEVEN E. ROBBINS,	:	
	:	
Plaintiff,	:	<b>PLAINTIFF DR. STEVEN E.</b>
	:	<b>ROBBINS' RULE 26(a)(1)</b>
- against -	:	<b>INITIAL DISCLOSURES</b>
	:	
THE STRIDE RITE CORPORATION,	:	Civ. A. No. 07 CV-7069 (LTS)
	:	
Defendant.	:	
	:	
	:	
_____	x	

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, plaintiff Dr. Steven E. Robbins ("Dr. Robbins"), by and through undersigned counsel, hereby makes the following Initial Disclosures to defendant The Stride Rite Corporation ("Stride Rite"). These initial disclosures are based upon information and writings reasonably available to Dr. Robbins at this time and located by Dr. Robbins and his attorneys. Dr. Robbins has not completed his investigation of all the facts relating to this case, has not completed his discovery in this action and has not completed his preparation for trial. Dr. Robbins, therefore, reserves the right to supplement, revise, correct, clarify or otherwise amend these disclosures consistent with the Federal Rules of Civil Procedure and any applicable orders of the Court based upon Dr. Robbins' ongoing investigation and discovery. By making these disclosures, Dr. Robbins does not waive any applicable privilege, work product, or other objection, and reserves his right to object to the production or admissibility of any information included in the categories described below.

**I. INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

A. Persons Likely to Have Discoverable Information to Support Claims, Counterclaims or Defenses

1. Plaintiff

**Dr. Steven E. Robbins**  
800 Boul Rene-Levesque O  
Montreal, QC  
Canada  
(514) 392-0174

(Dr. Robbins may be contacted only through counsel)

Dr. Robbins has knowledge of his activities in connection with the invention disclosed and claimed in the '426 patent.

2. Defendant

**Mr. David Chamberlain**  
President of The Stride Rite Corporation  
191 Spring Street  
Lexington, MA 02420  
(617) 824-6000

Mr. Chamberlain has knowledge of The Stride Rite Corporation's general business activities, its products (including, but not limited to, the product's components and their manufacturers and importers), the company's willfulness, as well as of the communications between Dr. Robbins and the Stride Rite Corporation regarding the '426 patent.

**The Stride Rite Corporation**  
Corporate Representatives  
191 Spring Street  
Lexington, MA 02420  
(617) 824-6000

Corporate representatives who have knowledge of:

- Stride Rite's general business activities, sales, licensing, product development (including, but not limited to, the products' components and their manufacturers and importers), testing and quality control, and financial activities relating to the its products in the United States, including the products (and components) identified as infringing in Dr. Robbins' Complaint;
- Stride Rite's activities relating to Dr. Robbins' patent, including, but not limited to, the communications between Dr. Robbins and the Stride Rite Corporation regarding the '426 patent, Stride Rite's analysis of the '426 patent and its potential infringement of the '426 patent;
- unprivileged information relating to Stride Rite's defenses regarding the '426 patent, including non-infringement, invalidity and unenforceability;
- operation and composition of Stride Rite's products, including the products accused of infringement in Dr. Robbins' Complaint.

Dr. Robbins believes that many of Stride Rite's current and former employees, agents, consultants, vendors, licensees, suppliers, wholesalers and/or manufacturers are likely to have discoverable information related to Stride Rite's infringement claims.

Because the identities of such individuals are not known at this time, Dr. Robbins reserves the right to supplement these disclosures as additional facts are disclosed during discovery. Moreover, to the extent that discovery in this case may yield information that would indicate that the testimony of non-parties are relevant, Dr. Robbins reserves the right to supplement these disclosures to identify any such witnesses.

3. Third Parties

**Sperry Topsider Corporation**

Corporate Representative  
191 Spring Street  
Lexington, MA 02420  
(617) 824-6000

On information and belief, Sperry Topsider Corporation may have general knowledge of business activities of Stride Rite that relate to the subject matter of Dr. Robbins' '426 patent.

**Collective Brands, Inc.**

Corporate Representative  
3231 SE Sixth Avenue  
Topeka, KS 66607  
Phone: (785) 233-5171

On information and belief, Collective Brands may have general knowledge of business activities of Stride Rite that relate to the subject matter of Dr. Robbins' '426 patent.

**Payless ShoeSource**

Corporate Representative  
3231 SE Sixth Avenue  
Topeka, KS 66607  
Phone: (785) 233-5171

On information and belief, Payless ShoeSource may have general knowledge of business activities of Stride Rite that relate to the subject matter of Dr. Robbins' '426 patent.

Dr. Robbins expects that discovery may reveal that other third parties may have relevant knowledge and reserves the right to amend these disclosures to include the same.

B. Documents, Electronically Stored Information, and Tangible Things That May be Used to Support Claims, Counterclaims or Defenses

Dr. Robbins states that the documents he may use to support his claims include:

- Documents relating to the '426 patent, including the patent and the prosecution history file for the '426 patent;
- Documents relating to tests performed on Stride Rite's shoes identified in Dr. Robbins' Complaint;
- Documents evidencing Stride Rite's knowledge of the patent and the tests performed.

C. Computation of Damages

A computation of damages is not yet available; however, they are likely to be identified during discovery (including discovery of Stride Rite's sales and profits) and will be provided in due course. Dr. Robbins is entitled to damages in this case because Stride Rite makes, uses, sells, and/or offers for sale the products that infringe the asserted claims of the '426 patent.

D. Insurance Agreements

Dr. Robbins is not aware of any applicable insurance agreement at this time relevant to the subject matter of the pleadings.

Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Dr. Robbins reserves the right to supplement and/or correct the disclosures made herein.

Dated: New York, New York  
December 7, 2007

**COHEN & GRESSER LLP**

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